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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/528,856

09/12/2005

Xavier Boland

71029-013

4166

27305

7590

01/23/2007

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EXAMINER

GRAHAM, GARY K

ART UNIT

PAPER NUMBER

1744

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary	Application No. 10/528,856	Applicant(s) BOLAND ET AL.	
	Examiner Gary K. Graham	Art Unit 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,8 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 8 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 8, which depends from claim 1, sets forth two lateral tongues extending outwardly that engage in shaped holes provided in legs of a U-shaped oscillating arm. This is in addition to the resilient tongue set forth in claim 1 that engages a shaped hole in the base of the oscillating arm. There does not appear to be an embodiment or disclosure where three tongues engage with the U-shaped oscillating arm. It appears applicant has improperly combined two different embodiments into one. Clarification is requested.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber et al (WO patent 02/053421) in view of Kotlarski (US patent 6,668,419) and Bascotto (WO patent 02/34594).

The patent to Weber discloses the invention, a wiper device, substantially as is claimed (figs.4,10). Weber discloses a wiper blade (18) with an elongated carrier (16). The carrier includes longitudinal strips (44) received in grooves of the wiper blade. A connecting device (26) is provided to couple the wiper blade with a U-shaped wiper arm (110). A plastic joint part (166) is received within the arm, is interpositioned between the arm and the connecting device and receives the connecting device substantially therein. The joint part includes a resilient tongue (204) with portion (190) that is received in a hole (200) in the wiper arm.

The patent to Weber discloses all of the above recited subject matter with the exception of the longitudinal strips being interconnected at neighboring ends by connecting pieces, the connecting device being made of plastic and the hole for the resilient tongue being in the base of the U-shaped arm.

The patent to Kotlarski discloses providing connecting pieces or end caps (48) at neighboring ends of longitudinal strips (36,38) to hold such captive in the grooves (28,30) of the wiper strip.

It would have been obvious to one of skill in the art to provide the wiper device of Weber with connecting pieces or end caps on neighboring ends of the longitudinal strips, as clearly suggested by Kotlarski, to hold the strip ends captive within the grooves of the wiper strip.

The patent to Baseotto discloses a wiper device (fig.4) wherein a joint part (14) is provided between the connecting device (38) and the wiper arm (10). The joint part includes a resilient tongue (80) that has a portion (82) that is received into a hole (84) provided in a base of the U-shaped wiper arm (10).

It also would have been obvious to one of skill in the art to move or shift the hole of Weber from the end of the arm to the base of the U-shaped arm, as clearly suggested by Baseotto, to provide a closed end wiper arm and prevent debris entry at the end of the wiper arm.

With respect to claim 1, while Weber discloses that the connecting device is metal, to make such of plastic would have been obvious to one of skill in the art. In the automotive arts, to make components of both metal or plastics is well known. Such appears as an obvious variation of Weber. It would have been obvious to one of skill in the art to make the device of plastics, to provide a lightweight and cheap device, as a choice of materials, lacking some criticality of such material. Mere selection of known materials to make components, the choice being based on the suitability of the material for the particular use, would be entirely obvious.

Response to Arguments

Applicant's arguments filed 06 November 2006 have been fully considered but they are not persuasive.

Applicant's discussion of the Weber patent is noted but not persuasive. While it is agreed that the figure 4 embodiment of Weber does not disclose a hole in the wiper arm to receive a resilient tongue, as discussed by applicant, applicant's attention is directed to the figure 10 embodiment as discussed in the rejection. Therein, Weber discloses a hole (200) provided in the wiper arm to receive the resilient tongue (204). As discussed above, Baseotto discloses providing the hole for a resilient tongue of the joint part in the base of the U-shaped wiper arm. Thus, to shift the location of the hole of Weber is taught by Baseotto.

Applicant's discussion of Kotlarski and that he fails to teach a shaped hole corresponding to a resilient tongue is noted. However, Kotlarski is not relied upon for such a teaching. Kotlarski is only relied upon to teach the connecting pieces that connect neighboring ends of spaced strips of the carrier element.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K. Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (6:30-4:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys J. Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Gary K. Graham', with a long horizontal stroke extending to the left.

Gary K Graham
Primary Examiner
Art Unit 1744

GKG
21 January 2007